

BOARD OF SELECTMEN MEETING
Tuesday, October 4, 2016

A meeting of the Rockport Board of Selectmen was held at 5:45pm in Conference Room A in Town Hall with four selectpersons, the Town Administrator and the Asst. Town Administrator; Selectperson Wilkinson was not present.

Kopelman & Paige attorneys Amy Kwesell, Darren Klein, Jackie Cowin, and Michele Randazzo were present.

5:54 Meeting Called to Order

Executive Session – MGL Ch. 30A §21(a) Exemption #3 Strategy with Respect to Collective Bargaining AFSCME Supervisors and AFSCME General Unit) and Strategy with Respect to Litigation (Legal Review of Active Cases); and Exemption #7 to comply with the Open Meeting Law, G.L. c. 30A, §22(f) – review, potential approval, and potential release of executive session meeting minutes: 9/5/2006; 11/4/2008; 1/12/2010; 4/6/2010; 5/4/2010; 6/29/2010; 9/7/2010; 10/5/2010; 12/14/2010.

Executive Session: Selectperson Campbell moved that the Board enter into Executive Session under MGL Chapter 30A, §21(a) Exemption #3 to discuss strategy with respect to collective bargaining and strategy with respect to litigation; and Exemption #7 to comply with the Open Meeting Law, G.L. c. 30A, §22(f) to review, potential approval, and potential release of executive session meeting minutes: 9/5/2006; 11/4/2008; 1/12/2010; 4/6/2010; 5/4/2010; 6/29/2010; 9/7/2010; 10/5/2010; 12/14/2010, Selectperson Battistelli seconded, Roll Call Vote: Selectperson Battistelli – aye, Selectperson Campbell – aye, Chairperson Murphy – aye, all in favor.

Enter Executive Session to discuss strategy with respect to collective bargaining Motion Approved

Chairman Murphy: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s bargaining and litigating position. The Board will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

Public Comment Period: T. Arsenian, 95 Granite Street, commented on the prior meetings’ discussion about the Town Moderator being blind-sided by amendments offered at the last minute before town meeting. He said he hopes the board would show as much consideration for the public hearing on alcohol rules at the next meeting, get amendments to the rules down on paper before the meeting to the public will know where you are heading. He requested that an agenda item be added at the end of this meeting, to come up with the gist of it and get it to the clerk. The Board members are going out to inspect all licensed premises, discuss and perhaps take pictures; they will be giving their comments to the Town Administrator to develop a first draft. L. Sanders said the board members don’t know yet what their input will be; they don’t have it yet. T. Arsenian also spoke about the “private road” signs at the lower end of Cathedral Avenue; he said he has taken this to two Board of Selectmen meetings. He said he finds these signs offensive.

Public Comment Period

Quarterly Legal Review: Atty. Darren Klein from Kopelman & Paige said there are 14 open cases and 11 are active. Eight cases were closed in the past year. He said the last several years have been busy. The boards work very hard at protecting the town’s rights. He said Kopelman & Paige provide zealous and efficient representation. He said they spend time advising the town to keep additional litigation from occurring. Atty. Hewig is here for cable negotiations,

Quarterly Legal Review

an action item on tonight's agenda. W. Hewig said since August of 2015 Kopelman & Paige has been involved in a process known as ascertainment to enable a community to access its cable needs to negotiate a cable renewal. In June of 2017 Rockport's contract expires. The goal is to renew the contract for another 10 years. They are assessing future needs, equipment, technology, and funding needs. He said Erich Archer from CATV has prepared an assessment letter, with a set of recommended terms dated 9/29/16. M. Vieira and Atty. Hewig will negotiate with Comcast, it is estimated that the process will take 6-8 months.

Street Performer
License –
Jackson Altieri
Motion
Approved

Interview of Jackson Altieri for a new Street Performers License: Selectperson Sheedy moved that the Board approve a Street Performer License for Jackson Altieri, Selectperson Campbell seconded, Vote: 4-0. J. Altieri said he had a heart transplant when he was 18 months old; he would like to donate any funds he receives from performing to the heart foundation.

Armand Aparo
interview for
Conservation
Commission
No vote taken

Interview of Armand Aparo for Appointment to the Conservation Commission: Selectperson Campbell nominated Armand Aparo as a member of the Council on Aging for a term to expire on June 30, 2019, Selectperson Battistelli seconded, no vote taken. He said he owns several businesses and believes he could bring a lot to the Conservation Commission; he is a licensed realtor and is in the construction field. He considered joining the zoning board as well.

Approval of
9/20/16 Minutes
Motion
Approved

Approval of Minutes of September 20, 2016: Selectperson Battiselli moved that the Selectmen approve the minutes of September 20, 2016, Selectperson Sheedy seconded, Vote: 4-0.

Cub Scout Troop
20 regarding flag
retirement box

Cub Scouts from Troop 20: Bev Favaloro was present; he said he has been Scoutmaster for 11 years. His youngest son Nathaniel is petitioning to be an eagle scout, he will be the third in this family. Ben said he has been working with Selectperson Campbell on the flag disposal box; retiring them appropriately. The box will be outside of Scout Hall. A retirement ceremony is planned; the Board of Selectmen, veterans, police, and firemen will be invited.

Selectmen
Updates and
Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Campbell said he has been attending the DPW Commission meetings. Chairman Murphy said there will be an alcohol public hearing on 10/18; prior to the hearing members of the Board of Selectmen will be visiting establishments in town; it could be more than 1 public hearing. Chairman Murphy commented that HarvestFest is coming soon.

7:40 Action List

Release all or
portions of
Executive
Session Minutes
Motion
Approved

- Release All or Portions of Executive Session Minutes of September 5, 2006; November 4, 2008; and January 12, April 6, May 4, June 29, September 7, October 5, and December 14, all from 2010: Selectperson Battistelli moved that the Board of Selectmen release portions of September 5, 2006 and January 12, 2010 and all of November 4, 2008, April 6, 2010, May 4, 2010, June 29, 2010, September 7, 2010, October 5, 2010 and December 14, 2010 Executive Session Minutes, Selectperson Sheedy seconded, Vote: 4-0.

Amend
Executive
Session and
Open Session
Minutes of
11/17/15
Motion
Approved

- Amend Executive Session and Open Session Minutes of November 17, 2015 and consider release: Selectperson Sheedy moved that the Board of Selectmen amend minutes of November 17, 2015 by deleting 3/24/1993, 8/18/1993, correcting 9/1/2008 to 9/5/2008 and correcting 11/14/2008 to 11/4/2008, all changes were keyboarding errors, Selectperson Battistelli seconded, Vote: 4-0.

Close out of
Outstanding
Pigeon Cove
Lease Rent
Motion
Approved

- Close Out of Outstanding Pigeon Cove Lease Rent: Selectperson Campbell moved that the Board of Selectmen close out all outstanding amounts owed by Timothy Sullivan for his Pigeon Cove lease rents from FY08 to FY14 in the amount of \$2,936.40, Selectperson Battistelli seconded, Vote: 4-0.

- Agreement for Fuel and Burner Service with Todd Oil: Selectperson Battistelli moved that the Board of Selectmen approve and sign an agreement with Todd Oil Division of Rose's Oil Service, Inc. of R15 Railroad Avenue, Rockport, Massachusetts, to expire on June 30, 2017 for number 2 fuel oil for \$110.00 per hour on regular workdays and \$165.00 per hour on weekends and holidays, Selectperson Sheedy seconded, Vote: 4-0.

Agreement for
Fuel and Burner
Service with
Todd Oil
Motion
Approved

- Cable License Renewal Terms: Selectperson Battistelli moved that the Board approve the initial proposal for cable license renewal terms of a 5% franchise fee with 1.25% for Rockport Technology Fund and 3.75% Cape Ann TV operations, \$1,168,000 for CATV's capital needs over 10 years, \$354,400 in Cape Ann fiber installation, of which \$38,700 will be for Rockport, high definition broadcast capability, and content listings on the program guide, Selectperson Campbell seconded, Vote: 4-0.
M. Vieira stressed that this is an initial proposal. E. Archer said we've been working to put together an operational and capital budget for the next 10 years, they are shooting most of the content now in high definition, but they not broadcasting in high definition.

Cable License
Renewal Terms
Motion
Approved

8:00 Selectmen Briefing

Selectmen
Briefing

Rockport Music Video Display Plan: Tony Beedle said earlier in the year, he came before the Board for changing the marquis sign. Currently the sign costs \$10,000 to \$15,000/year. He said an electronic sign was considered, the proposed sign would be 4 flat screen monitors in the box. It was decided to have P. Orlando, Building Inspector, review it to be sure it complies with the sign requirements as well as verifying what their existing sign permit allows.

Rockport Music
Video Display
Plan

8:10 Discussion Items

Discussion Items:

- Parking at Sandpiper Park: The Traffic and Parking Committee as well as the Conservation Commission reviewed this; both came up with similar opinions. The Board is not recommending going forward with this. The Traffic & Parking Committee says there isn't sufficient parking. The Board of Selectmen agrees with the recommendations of the Conservation Commission and the Traffic & Parking Committee. Rob Saccardo, 193 South St., said he is concerned with safety during storms; people stand there to watch the waves and could get hurt. Larry Neal said J. Parisi inspected the site to improve the safety of the area.
- Sign Pollution – postponed due to Building Inspector could not make it tonight. J. Muzio, 7 Normanstone Drive, said he came to the 9/20 meeting. He said he has been investigating, he has noticed more signs of a commercial nature now than were there as of the last meeting. Storage signs are there every day, sandwich boards with arrows pointing to businesses.

Parking at
Sandpiper Park

Sign Pollution

Other Business/Announcements: J. Ugone, 33 Main St., inquired about the site visits to establishments serving alcohol in town. The Town Administrator said no more than 2 Board members can go together. J. Ugone inquired about the details that are being reviewed.

Other Business/
Announcements

8:30 Selectperson Sheedy moved to adjourn, seconded by Selectperson Campbell, Vote: 4-0

Items Signed:

Warrant, 10/6 payroll 104,875.40, 367,883.60 total 453,812.69

Jackson Altieri, Street Performer License

No. 2 Fuel Oil Service